

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RONALD MUNGRO,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 04-1304
	)	Judge Conti
M.H. HARTWIGER, <i>et al.</i> ,	)	Chief Magistrate Judge Caiazza
	)	In Re: Doc. 16
	)	
Respondents.	)	

**MEMORANDUM ORDER**

The Plaintiff's complaint was received by the Clerk of Court on August 26, 2004, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's Report and Recommendation, filed on February 22, 2006, recommended that the Motion for Summary Judgment filed by the Defendant M. H. Hartwiger, the sole remaining defendant in this case be granted. It was further recommended that the Plaintiff's Motion for Summary Judgment be denied. Service was made on the Plaintiff by First Class United States Mail, delivered to the State Correctional Institution at Houtzdale, Houtzdale, Pennsylvania, where he is incarcerated and on the Defendants.

On March 6, 2006, the Plaintiff filed objections to the Magistrate Judge's Report and Recommendation.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation and the objection of the Plaintiff thereto, the following ORDER is entered:

AND NOW, this 24th day of March, 2006,

IT IS HEREBY ORDERED that the Motion for Summary Judgment filed by the Defendant M. H. Hartwiger is GRANTED.

IT IS FURTHER ORDERED that the Plaintiff's Motion for Summary Judgment is DENIED.

IT IS FURTHER ORDERED, the Report and Recommendation of Magistrate Judge Caiazza, (Doc. 64), dated February 22, 2006, is adopted as the opinion of the court.

/s/ Joy Flowers Conti  
Joy Flowers Conti  
United States District Judge

cc:  
Francis X. Caiazza  
Chief U.S. Magistrate Judge

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